



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
Supplement No. 49\*

FIFTY-EIGHTH LEGISLATURE

Friday, March 21, 2003

68th Day - 2003 Regular

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**House Bills**

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**HB 1009-S** by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Delvin, Skinner, Kagi, Chase, Wood, Sommers, Miloscia, Conway, Cody, O'Brien, Kenney, Schual-Berke, McDermott and Lovick)

Prohibiting sale of violent computer and video games to minors.

(AS OF HOUSE 2ND READING 3/18/03)

Provides that a person who sells, rents, or permits to be sold or rented, any video or computer game they know to be a violent video or computer game to any minor has committed a class 1 civil infraction as provided in RCW 7.80.120, with a maximum penalty of five hundred dollars.

Declares that "minor" means a person under seventeen years of age.

Provides that "person" means a retailer engaged in the business of selling or renting video or computer games including any individual, partnership, corporation, or association who is subject to the tax on retailers under RCW 82.04.250.

Declares that "violent video or computer game" means a video or computer game that contains realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes physical harm to a human form in the game who is depicted, by dress or other recognizable symbols, as a public law enforcement officer.

**-- 2003 REGULAR SESSION --**

- Jan 30 JJFL - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.
- Feb 3 Passed to Rules Committee for second reading.
- Mar 14 Placed on second reading by Rules Committee.
- Mar 18 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 81; nays, 16; absent, 1.

**- IN THE SENATE -**

- Mar 20 First reading, referred to Children & Family Services & Corrections.

**HB 1336-S2** by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway; by request of Governor Locke)

Concerning watershed planning.

(AS OF HOUSE 2ND READING 3/18/03)

Declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the

governments closest to them the ability to determine the management of water in the WRIA or WRIsAs being planned.

Finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

Does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing funds.

**-- 2003 REGULAR SESSION --**

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass.  
Minority; do not pass.
- Mar 10 Passed to Rules Committee for second reading.
- Mar 12 Placed on second reading by Rules Committee.
- Mar 18 2nd substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 56; nays, 41; absent, 1.

**- IN THE SENATE -**

- Mar 20 First reading, referred to Natural Resources, Energy & Water.

**HB 1462-S** by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Gombosky, Ruderman, Nixon, Ericksen, Miloscia, Anderson, Wallace, Benson, Newhouse, Tom, Chandler, Orcutt, Woods, McMahan, Talcott and Campbell)

Prohibiting local governments from imposing business and occupation tax on intellectual property.

(AS OF HOUSE 2ND READING 3/19/03)

Provides that: (1) A city may not impose a gross receipts tax on intellectual property creating activities.

(2) A city may impose a gross receipts tax measured by gross receipts from royalties only on taxpayers domiciled in the city. For the purposes of this provision, "royalties" does not include gross receipts from casual or isolated sales as defined in RCW 82.04.040, grants, capital contributions, donations, or endowments.

(3) This provision does not prohibit a city from imposing a gross receipts tax measured by the value of products manufactured in the city merely because intellectual property creating activities are involved in the design or manufacturing of the products. An intellectual property creating activity shall not constitute an activity defined within the meaning of the term "to manufacture" under chapter 82.04 RCW.

(4) This provision does not prohibit a city from imposing a gross receipts tax measured by the gross proceeds of sales made in the city merely because intellectual property creating activities are involved in creation of the articles sold.

(5) This provision does not prohibit a city from imposing a gross receipts tax measured by the gross income received for services rendered in the city merely because intellectual property creating activities are some part of services rendered.

(6) A tax in effect on January 1, 2002, is not subject to this act until January 1, 2004.

-- 2003 REGULAR SESSION --

Mar 10 FIN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.

Mar 13 Made eligible to be placed on second reading.

Mar 18 Placed on second reading.

Mar 19 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 96; nays, 0; absent, 2.

**HB 1568** by Representatives Darneille, Pflug, Cody, Campbell, Schual-Berke, Alexander and Skinner

Modifying physician assistant provisions.

(AS OF HOUSE 2ND READING 3/18/03)

Provides that physician assistants practicing with physician supervision as required by chapters 18.57A and 18.71A RCW may execute the certificate required by RCW 51.28.020(1) for reports of noncompensable industrial injuries, but not reports of any occupational diseases. Physician assistants may not execute time loss cards related to any industrial injuries or any occupational diseases.

Provides that, by December 1, 2005, the department of labor and industries shall report to the senate committee on commerce and trade and the house committee on commerce and labor, or successor committees, on the implementation of this act, including but not limited to the effects of this act on injured worker outcomes, claim costs, and disputed claims.

-- 2003 REGULAR SESSION --

Jan 30 First reading, referred to Health Care.

Feb 5 Rules suspended.  
Committee relieved of further consideration.  
Referred to Commerce & Labor.

Feb 26 CL - Executive action taken by committee.  
CL - Majority; do pass.  
Minority; do not pass.

Feb 28 Passed to Rules Committee for second reading.

Mar 14 Placed on second reading by Rules Committee.

Mar 18 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 97; nays, 0; absent, 1.

- IN THE SENATE -

Mar 20 First reading, referred to Commerce & Trade.

**HB 1640-S** by House Committee on Agriculture & Natural Resources (originally sponsored by

Representatives Linville, Hinkle, Grant, Chandler, Eickmeyer and Hankins)

Authorizing water banking within the trust water program.

(AS OF HOUSE 2ND READING 3/19/03)

Declares that water banking within the trust water program can provide an effective means to facilitate the voluntary transfer of water rights established through conservation, purchase, lease, or donation, to preserve water rights and provide water for presently unmet and future needs; and to achieve a variety of water resource management objectives throughout the state, including drought response, improving streamflows on a voluntary basis, providing water mitigation, or reserving water supply for future uses.

Authorizes the department to use the trust water rights program in the Yakima river basin for water banking purposes.

Declares that water banking may be used for one or more of the following purposes: (1) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(2) To document transfers of water rights to and from the trust water rights program; and

(3) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

Declares that the department shall not use water banking to: (1) Cause detriment or injury to existing rights;

(2) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(3) Administer federal project water rights, including federal storage rights; or

(4) Allow carryover of stored water from one water year to another water year.

Directs the department to seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington state where water banking could assist in providing water supplies for instream and out-of-stream uses. The department shall summarize any comments received on water banking and submit a report, including any recommendations, to the appropriate committees of the legislature for their consideration in the subsequent legislative session.

Provides that, by December 31st of every even-numbered year, the department shall submit a report to the appropriate committees of the legislature on water banking activities authorized under this act. The report shall: (1) Evaluate the effectiveness of water banking in meeting the policies and objectives of this chapter;

(2) Describe any statutory, regulatory, or other impediments to water banking in other areas of the state; and

(3) Identify other basins or regions that may benefit from authorization for the department to use the trust water program for water banking purposes.

Declares that nothing in this act shall: (1) Cause detriment or injury to existing rights or to the operation of the federal Yakima project to provide water for irrigation

purposes, existing water supply contracts, or existing water rights;

(2) Diminish in any way existing rights or the total water supply available for irrigation and other purposes in the Yakima basin; or

(3) Affect or modify the authority of a court conducting a general adjudication pursuant to RCW 90.03.210.

Declares that nothing in this act may be construed to:

(1) Affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under state or federal law;

(2) Affect or modify the rights or jurisdictions of the United States, the state of Washington, the Yakama Nation, or other person or entity over waters of any river or stream or over any ground water resource;

(3) Alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the states;

(4) Alter, establish, or impair the respective rights of states, the United States, the Yakama Nation, or any other person or entity with respect to any water or water-related right;

(5) Alter, diminish, or abridge the rights and obligations of any federal, state, or local agency, the Yakama Nation, or other person or entity;

(6) Affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(7) Affect or modify the settlement agreement between the United States and the state of Washington filed in Yakima county superior court with regard to federal reserved water rights other than those rights reserved by the United States for the benefit of the Yakama Indian Nation and its members; or

(8) Affect or modify the rights of any federal, state, or local agency, the Yakama Nation, or any other person or entity, public or private, with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including *State v. Acquavella*, or constitute evidence in any such proceeding in which any water or water-related right is adjudicated.

**-- 2003 REGULAR SESSION --**

- Mar 5 AGNR - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.
- Mar 10 Made eligible to be placed on second reading.
- Mar 11 Placed on second reading by Rules Committee.
- Mar 19 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 91; nays, 5; absent, 2.

**HB 1691** by Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug

Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.

(AS OF HOUSE 2ND READING 3/18/03)

Authorizes advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.

Provides that, by December 1, 2005, the department of labor and industries shall report to the senate committee on commerce and trade and the house committee on commerce and labor, or successor committees, on the implementation of this act, including but not limited to the effects of this act on injured worker outcomes, claim costs, and disputed claims.

**-- 2003 REGULAR SESSION --**

- Feb 4 First reading, referred to Commerce & Labor.
- Feb 26 CL - Executive action taken by committee.  
CL - Majority; do pass.  
Minority; do not pass.
- Mar 3 Passed to Rules Committee for second reading.
- Mar 4 Made eligible to be placed on second reading.
- Mar 7 Placed on second reading by Rules Committee.
- Mar 18 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 97; nays, 0; absent, 1.
- IN THE SENATE -**
- Mar 20 First reading, referred to Commerce & Trade.

**HB 1865-S2** by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Schual-Berke, Kenney, Haigh, Conway and Santos)

Improving patient safety practices.

(AS OF HOUSE 2ND READING 3/19/03)

Provides that an injured claimant who receives a settlement or judgment in any action for damages based upon injuries resulting from health care may contribute a portion of that settlement or judgment to the department of health for deposit into the patient safety account established in this act for the patient safety activities authorized in this act. Proceeds of the contributions will be distributed by the department of health in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety.

Provides that proceeds from the contributions authorized in this act shall be administered by the department of health, in consultation with established patient safety coalitions. Upon receipt of at least one hundred thousand dollars in contributions, patient safety proceeds will be distributed in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety. In developing criteria for the award of grants, loans, or other funding arrangements under this section, the department shall: (1) Consult with established patient safety coalitions and health care workers engaged in direct patient care activities; and

(2) Rely heavily upon evidence-based practices that have been shown to improve patient safety and have been

identified and recommended by governmental and private organizations, including but not limited to: (a) The federal agency for health care quality and research; (b) the federal institute of medicine; (c) the joint commission on accreditation of health care organizations; and (d) the national quality forum.

Provides that, by December 1, 2006, the department shall report the following information to the governor and the health policy and fiscal committees of the legislature: (1) The amount of contributions deposited to date in the patient safety account;

(2) The criteria for distribution of grants and loans under this act; and

(3) A description of the medical error reduction and patient safety grants and loans distributed to date, including their desired objectives, activities, timelines, and any available information on outcomes.

Declares that the patient safety program shall be terminated December 31, 2008.

**-- 2003 REGULAR SESSION --**

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass.  
 Mar 10 Passed to Rules Committee for second reading.  
 Mar 13 Placed on second reading by Rules Committee.  
 Mar 19 2nd substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 96; nays, 0; absent, 2.

**HB 1926** by Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Voloria, Conway, Simpson, Sommers and Haigh

Limiting the use of expert witnesses.

(AS OF HOUSE 2ND READING 3/18/03)

Provides that, in any action under chapter 7.70 RCW, each side shall presumptively be entitled to only one independent expert on an issue and only one standard-of-care expert, except upon a showing of good cause. Where there are multiple parties on a side and the parties cannot agree as to which independent expert or standard-of-care expert will be called on an issue, the court, upon a showing of good cause, shall allow more than one independent expert on an issue or standard-of-care expert to be called.

**-- 2003 REGULAR SESSION --**

- Feb 17 First reading, referred to Judiciary.  
 Feb 27 JUDI - Executive action taken by committee. JUDI - Majority; do pass.  
 Mar 3 Passed to Rules Committee for second reading.  
 Mar 13 Placed on second reading by Rules Committee.  
 Mar 18 Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 97; nays, 0; absent, 1.

**- IN THE SENATE -**

- Mar 20 First reading, referred to Judiciary.

**HB 2119-S2** by House Committee on Appropriations (originally sponsored by Representatives Linville, Morris, Romero, Kagi, Kirby, Edwards, Wallace, Chase, Cooper, Hunt and Upthegrove)

Establishing the Washington climate action registry.

(AS OF HOUSE 2ND READING 3/18/03)

Declares that the purpose of the Washington climate action registry is to assist entities that voluntarily choose to record their greenhouse gas emission inventories in order to gain recognition for emission reductions under any future federal regulatory regime and to trade emission credits. To that end, the Washington climate and rural energy development center may: (1) Provide technical and educational resources to registrants;

(2) Publish basic definitions and protocols and identify organizations qualified to provide technical assistance to registrants;

(3) Assist registrants, if requested by the registrant, to devise protocols, reporting formats, and verification procedures as may be sought by the registrant to ensure the credibility of the information recorded in the registry; and

(4) Develop protocols for a specific economic sector that apply to all registrants in that sector if sectorwide protocols are requested by a registrant of that economic sector.

Provides that, if a mandatory federal greenhouse gas emissions registry is enacted, the director of the center must report to the legislature as soon as practical on any conflicts with this act. The center shall certify the date on which a mandatory federal greenhouse gas registry becomes operational. As of the date certified by the center, the center may no longer accept emissions inventories for registration with the state greenhouse gas emissions registry.

**-- 2003 REGULAR SESSION --**

- Mar 8 APP - Majority; 2nd substitute bill be substituted, do pass. Minority; do not pass.  
 Mar 10 Passed to Rules Committee for second reading.  
 Mar 12 Made eligible to be placed on second reading.  
 Mar 13 Placed on second reading by Rules Committee.  
 Mar 18 2nd substitute bill substituted. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed: yeas, 93; nays, 4; absent, 1.

**- IN THE SENATE -**

- Mar 20 First reading, referred to Natural Resources, Energy & Water.

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**Senate Bills**


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**SB 5400-S** by Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Swecker)

Creating a geoduck aquaculture research project.

(AS OF SENATE 2ND READING 3/19/03)

Provides that, by January 1, 2004, the department and the department of fish and wildlife shall initiate an agreement to conduct joint research projects with the geoduck harvesters association, holders of aquatic farm registrations, and recognized treaty tribes of Washington, hereinafter referred to as cooperators, for an initial term of ten years, with the option of an additional term of ten years, to examine the subtidal geoduck aquaculture industry in the state of Washington.

Requires the geoduck aquaculture research project to use scientific methods to determine sustainability of geoduck aquaculture and assess potential impacts to the aquatic ecosystem.

Directs the department to lease the use of state-owned aquatic lands for the geoduck aquaculture research project and to determine the location of leases and project design jointly with the cooperators.

Provides that, at the end of the first year of the geoduck aquaculture research project and each year thereafter, the department shall provide a progress report on the project to the standing legislative committees with jurisdiction. The second report and all subsequent reports must include an assessment of geoduck aquaculture, its impact on the aquatic ecosystem, and recommendations regarding continuation or expansion of the research project. Each report must include the perspective of the association, the geoduck aquaculture industry, and the tribes.

**-- 2003 REGULAR SESSION --**

Mar 5 NR - Majority; 1st substitute bill be substituted, do pass.  
And refer to Ways & Means.  
Referred to Ways & Means.

Mar 10 WM - Majority; do pass 1st substitute bill proposed by Natural Resources, Energy & Water.  
Minority; do not pass.  
Passed to Rules Committee for second reading.

Mar 14 Placed on second reading by Rules Committee.

Mar 19 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 39; nays, 10; absent, 0.

**SB 5969-S** by Senate Committee on Agriculture (originally sponsored by Senators Haugen, Swecker and Rasmussen)

Providing natural resource protection in Skagit county.

(AS OF SENATE 2ND READING 3/19/03)

Finds that a collaborative process to examine reasonable and feasible alternatives to enhance tidal fish habitat should be used to focus and expedite efforts where there is a gain in tidal fish habitat without harming designated agricultural lands. The legislature also finds that pilot projects may be needed to test creative solutions to achieve the dual goals of enhancing tidal fish habitat while protecting designated agricultural lands.

Declares that the purposes of this act are: (1) To protect lands designated by the county as agricultural land of long-term commercial significance from the effects of saltwater intrusion and diminishment of drainage capability for drainage infrastructure, including flood gates, pump stations, ditches, and tide gates;

(2) To require examination of opportunities to enhance tidal fish habitat on hundreds of acres of publicly owned land while maintaining habitat for migratory birds and that opportunities on publicly owned lands outside the dikes be considered first; and

(3) To allow tide gates located on bona fide streams to proceed through a fish habitat restoration planning process to find opportunities to use fish habitat while avoiding harm to existing land uses.

Provides that, from funds appropriated to the department of fish and wildlife for salmon restoration activities, the fish and wildlife commission, in coordination with the Skagit county legislative authority and diking and drainage district commissioners, and local landowners, shall establish the Skagit tidal fish habitat pilot project to jointly develop a strategy and to propose projects to enhance tidal fish habitat and address the management, operation, and maintenance of tide gates on streams in Skagit county while assuring no net loss of agricultural lands or their productivity. The strategy and proposed projects must be submitted to the appropriate standing committees of the legislature by December 1, 2004.

**-- 2003 REGULAR SESSION --**

Mar 4 AG - Majority; 1st substitute bill be substituted, do pass.

Mar 5 Passed to Rules Committee for second reading.

Mar 7 Made eligible to be placed on second reading.

Mar 12 Placed on second reading by Rules Committee.

Mar 19 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 47; nays, 0; absent, 2.

**SB 6049** by Senator Zarelli

Providing for stewardship and preservation of public college and university facilities.

Affirms that preventive and ongoing facility maintenance, properly supported, can prevent and mitigate preservation backlogs.

Declares an intent to set in motion a series of structural changes that will support facility stewardship and ensure that, moving forward in time, the state of Washington and its institutions of higher education do not again face a 1.3 billion dollar deficit of capital improvements to preserve existing buildings for their current use.

Implements the summary recommendation that asks the legislature to designate an agency to sustain and expand

the comparable framework and assemble information as needed to support facilities-related budget and policy development for biennial sessions starting in 2005.

Directs the joint legislative audit and review committee to periodically contract to update the comparative framework that examines and rates the relative condition of state and mixed higher education facilities. The scope of work, focus, funding, and expectations for data and support from state agencies shall be as defined by the legislature through the omnibus appropriations act.

**-- 2003 REGULAR SESSION --**

Mar 20 First reading, referred to Ways & Means.

**SB 6050** by Senators Horn and Swecker

Restricting the use of certain marine facilities constructed by the department of transportation and funded in the omnibus transportation budget act.

Provides that any facility constructed by the department for the purpose of building pontoons or supporting equipment for bridges shall not be used for vessel construction, overhaul, conversion, or repair. However, the department may lease the facility, or a portion of the facility, to other parties, either public or private, for vessel construction, overhaul, conversion, or repair, only if a full and fair market rate is charged for the use of the facility.

Provides that the department may not dispose, sell, or trade the facility except under the conditions of RCW 47.12.063, including the requirement of fair market value.

Requires any revenues derived from the use of the facility to be deposited into the motor vehicle account.

**-- 2003 REGULAR SESSION --**

Mar 20 First reading, referred to Highways & Transportation.

**SB 6051** by Senators Kohl-Welles, Winsley, Fairley and Poulsen

Decreasing the payment period for excise taxes.

Revises the payment period for excise taxes.

**-- 2003 REGULAR SESSION --**

Mar 20 First reading, referred to Ways & Means.